

**DECISION**

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**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548**

**FILE:** B-215389**DATE:** September 4, 1984**MATTER OF:** Oceanprobe**DIGEST:**

1. Protest that agency accepted a proposal that did not meet RFP requirements is denied where record shows that offer conformed to the agency's stated requirements.
2. Agency decision to modify a contract is a matter of contract administration within the authority and responsibility of the procuring agency.
3. Protest that awardee will be unable to perform at its offered price is dismissed since acceptance of low offer is not improper where contracting officer determines that awardee is responsible and proposal is otherwise acceptable.

Oceanprobe protests the award of a contract to Meridian Ocean Systems (Meridian) under request for proposals (RFP) No. 6928 issued by the United States Geological Survey (USGS), Department of the Interior, for the lease of a navigation survey system and associated services for a geological and geophysical survey at the Enewetak Atoll in the Marshall Islands in the Pacific Ocean. We deny the protest in part and dismiss it in part.

The solicitation required that offerors provide Motorola Miniranger Falcon IV systems and placed the responsibility for transporting the equipment on the contractor. Oceanprobe contends that Meridian offered to supply a different system from that specified in the RFP and that the equipment is being shipped at government expense rather than its own. In addition, Oceanprobe questions Meridian's ability to perform at its offered price.

Our review of Meridian's proposal indicates that Meridian did offer to supply Motorola Miniranger Falcon IV systems and that the cost of commercial carriers to transport the equipment was included in its proposal.

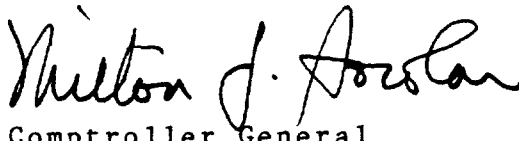
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Accordingly, Oceanprobe's protest that award was made to Meridian on a basis other than that set out in the RFP is denied. Lake Shore, Inc., B-205881, Aug. 3, 1982, 82-2 C.P.D. ¶ 102. While the record does indicate that the USGS modified Meridian's contract after award to accept a different but equal system and may have provided cost-free government transportation, the agency's decision to do so is a matter of contract administration within the authority and responsibility of the procuring agency. BVI Engravers, Inc., B-208830, Oct. 20, 1982, 82-2 C.P.D. ¶ 351. Moreover, as noted above, Meridian's proposal met the requirements of the RFP and, therefore, Meridian gained no competitive advantage over other offerors during the evaluation of proposals.

In addition, whether Meridian will be able to provide the required services at the price it offered is a matter of responsibility which our Office does not generally review unless either fraud or bad faith is shown on the part of the procuring agency. Acceptance of an offer which is low on a comparative basis does not provide a basis on which an award may be challenged where, as here, the contracting officer, by awarding the contract to Meridian, has affirmatively determined that Meridian is responsible. Hooper Goode, Inc., B-209830, Mar. 30, 1983, 83-1 C.P.D. ¶ 329; Sierra Medical Cushion Company, B-211377, May 6, 1983, 83-1 C.P.D. ¶ 477.

Finally, Oceanprobe's complaint that the USGS acted unfairly in requesting Oceanprobe to submit a best and final offer provides no basis for relief. Oceanprobe submitted a technically acceptable proposal and, although its costs were substantially higher than the costs proposed by other firms, we cannot find that the USGS acted improperly in requesting Oceanprobe to submit a best and final offer.

*for*   
Comptroller General  
of the United States